

**Notice of Allowability**

Application No.

09/404,269

Examiner

Kelly Campen *Kel*

Applicant(s)

O'HANLON ET AL.

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3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 10/06/06.
2. ☒ The allowed claim(s) is/are 2-4, 6-21, 25-29, 32-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>9/19/2006</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                    | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

***Election/Restrictions***

This application is in condition for allowance except for the presence of claims 22-24 and 30-31 to inventions non-elected with traverse. Accordingly, claims 22-24 and 30-31 have been cancelled.

**EXAMINER'S AMENDMENT**

Authorization for this examiner's amendment was given in a telephone interview with Rod Anderson on 3/28/07.

The application has been amended as follows:

**Claims 22-24 and 30-31 have been cancelled.**

***Drawings***

The application, having been allowed, requires formal drawings to be submitted.

***Allowable Subject Matter***

Claims 2-4, 6-21, 25-29, 32-35 are allowed.

The following is an examiner's statement of reasons for allowance:

The overall claimed combination of a method, performed by a computer-controlled apparatus, for submitting acoustical cardiovascular data to a central database by receiving, from a user, a request to detect a cardiovascular signal of the user; initializing a cardiovascular monitoring

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device connected to a computer in response to the request; measuring an acoustical cardiovascular signal with the cardiovascular monitoring device while a startup routine performed by the computer is ongoing; analyzing a waveform of the cardiovascular signal to determine at least one of a shape of the signal, a slope of the signal, and an area under the signal; and receiving, at the computer after the startup routine, at least a portion of the detected cardiovascular signal of the user; transmitting data based on the received cardiovascular signal to a central database for storage in a record corresponding to the user; associating limits with the data based on the received cardiovascular signal; and notifying a user's physician, with a message sent from the computer, to contact the user when the limits are exceeded by the data is neither anticipated nor rendered obvious by the prior art.

Brown ('448 of record) teaches remote monitoring device for collecting data form each patient and Langer ('692) teaches a system for monitoring the heart of a patient comprised of a remote station having a means for generating an electrocardiogram of the patient, means for detecting predetermined cardiological events in the patient in communication with the generating means and a transmitter for transmitting the electrocardiogram to a central station but neither disclose measuring data form a patient while the computer startup routine is being performed.

Walker et al. (WO 98/50873 of record) teach a system for translation of initiating orders into a computerize format and for the programming of a patient monitoring unit at the remote site with the specific protocols consistent with the diagnoses of the doctor as indicated on the initiating order.

Horio et al. (1998) teach a fetal monitoring device for non-stress-test screening at home to record data on a memory IC card at any time and in any place away form a hospital. The

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physician can evaluate the data, transmitted via public telephone lines, using a built in modem in the monitor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (571) 272-6740. The examiner can normally be reached on Tuesday and Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kelly S. Campen

  
**LALITA M. HAMILTON**  
**PRIMARY EXAMINER**